

(1985)] standard is minimal and does not require examination of the entire record, an independent assessment of the credibility of witnesses, or even a weighing of the evidence. See Thompson v. Owens, 889 F.2d 500, 502 (3d Cir.1989).”). Instead, compliance with the Due Process Clause is achieved where there is “some evidence” in the record to support a disciplinary decision. Id. (“In order to comport with due process, a disciplinary decision must have support, but only by ‘some evidence’ in the record.”).

Here, plaintiff admits in his objections that he was able to request Cross to examine the surveillance tapes as part of the disciplinary proceeding and that Cross simply chose not to do so and accepted the word of Defendant Walker and the informant. Thus, the record demonstrates that the minimal protections afforded by the Fourteenth Amendment were satisfied. It follows that defendants’ motion to dismiss must be granted and the claims addressed in the report and recommendation must be dismissed.



David Stewart Cercone
United States District Judge

cc: Honorable Francis X. Caiazza
U.S. Magistrate Judge

Clarence E. Abney
BY-1321
SCI Fayette
P. O. Box 9999
LaBella, PA 15450-0999

Robert A. Willig, Esquire
Office of the Attorney General
Manor Complex, 6th Floor
564 Forbes Avenue
Pittsburgh, PA 15219